

PAROLE BOARD[205]

Notice of Intended Action

Proposing rule making related to automatic revocation of parole and providing an opportunity for public comment

The Board of Parole hereby proposes to amend Chapter 11, “Parole Revocation,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 906.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 908.10 and 908.10A.

Purpose and Summary

The proposed amendment would conform rule 205—11.12(908) with recently amended Iowa Code sections 908.10 and 908.10A.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on April 16, 2019. Comments should be directed to:

Steven Clarke
Board of Parole
Jessie Parker Office Building
510 East 12th Street
Des Moines, Iowa 50319

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 205—11.12(908), introductory paragraph, as follows:

205—11.12(908) Conviction of a felony or aggravated misdemeanor while on parole. When a parolee is convicted and sentenced to incarceration in Iowa for a felony or aggravated misdemeanor committed while on parole, or is convicted and sentenced to incarceration ~~under the laws of in~~ any other state of the United States or a foreign ~~government or~~ country for an offense committed while on parole and which if committed in Iowa would be a felony or aggravated misdemeanor, the parolee's parole shall be deemed revoked as of the date of the commission of the offense.